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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MAYRA MARGARITA HERNANDEZ,) **Case No.: 1:20-cv-0897 JLT EPG**
12 Plaintiff,) **ORDER ADOPTING FINDINGS AND**
13 v.) **RECOMMENDATIONS**
14 COMMISSIONER OF SOCIAL SECURITY,) **(Doc. 38)**
15 Defendant.)
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17 This matter is before the Court on Plaintiff's complaint for judicial review of an unfavorable
18 decision by the Commissioner of the Social Security Administration regarding her application for
19 disability benefits. The assigned magistrate judge issued Findings and Recommendations that the
20 decision of the Commissioner of the Social Security Administration be reversed and that this matter be
21 remanded for the immediate award of benefits. (Doc. 38.) The Court served the Findings and
22 Recommendations on the parties, notifying them that any objections were due within fourteen days.
23 (*Id.* at 11.) The Commissioner of Social Security filed objections. (Doc. 39.)

24 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this case.
25 Having carefully reviewed the entire matter, including the Commissioner of Social Security's
26 objections, the Court concludes the Findings and Recommendations are supported by the record and
27 by proper analysis. Thus, the Court **ORDERS**:
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- 1 1. The Findings and Recommendations dated June 6, 2022 (Doc. 38), are **ADOPTED IN**
- 2 **FULL.**
- 3 2. The Commissioner of Social Security's decision is reversed to the extent that it ceased
- 4 benefits on December 5, 2018. The Commissioner of Social Security is directed to
- 5 award benefits beginning from December 5, 2018.¹
- 6 3. The Clerk of Court is directed to enter judgment in favor of Plaintiff and to close this
- 7 case.

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9 IT IS SO ORDERED.

10 Dated: July 6, 2022


UNITED STATES DISTRICT JUDGE

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23 ¹ In its objections, the Commissioner of Social Security claims that an order of award of benefits lacks

24 specificity and asks for a determination of a termination date. The Court notes that an immediate award of

25 benefits, without further specificity, is ordinarily ordered without a further specification of an end date. *See*

26 *Garrison v. Colvin*, 759 F.3d 995, 1023 (9th Cir. 2014) ("We reverse the judgment of the district court with

27 instructions to remand to the ALJ for the calculation and award of benefits."); *Benecke v. Barnhart*, 379 F.3d

28 587, 596 (9th Cir. 2004) ("Accordingly, we REVERSE the decision of the district court and REMAND with

instructions to remand to the Commissioner of Social Security for an award of benefits.") (bolded portions of

text omitted). Additionally, as the Commissioner of Social Security has argued, there is a process for

reevaluating benefits based on medical improvement, and nothing in this order precludes such a process.

However, to the extent that the Commissioner of Social Security is again arguing that its decision to terminate

benefits based on medical improvement at a past date is supported by this record, the Court disagrees.